OTPE DEL 1 0 2001 PATENTS 105019-0007 / 2/20/5/

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of: William H. Zebuhr	)	
Serial No.: 09/765,263	)	Examiner: Virginia Manoharan
Filed: January 18, 2001	) )	Art Unit: 1764
For: Distiller Employing Cyclical Evaporation-Surface Wetting	) )	
	,	Cesari and McKenna, LLP 88 Black Falcon Avenue Boston, MA 02210 December 10, 2001

"Express Mail" Mailing-Label Number:

EL705608199US

Honorable Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

## PROVISIONAL ELECTION

Applicant hereby traverses the restriction requirement mailed on November 28, 2001.

The Examiner gives as the basis for the restriction requirement that the process defined in claim 30 can be practiced by an apparatus materially different from the one that claim 1 defines. But the examples that she gives as a basis for this contention do not bear it out.

To the extent that the method defined by claim 3 can be practiced in a singleeffect system, a short-path distiller, a self- or forced-circulation distiller, or a downflow or falling-film evaporator, it can be practiced by the evaporation-and-condenser unit that claim 1 defines. Claim 30's paragraph A defines providing a heat exchanger that claim 1's paragraph A defines. Claim 1's evaporation-chamber irrigation system is for performing the type of irrigation that claim 30's paragraph B performs. And claim 1's paragraph C defines a vapor guide that directs vapor in the manner that claim 30's paragraph C defines.

Applicant therefore respectfully requests that the Examiner reconsider the restriction requirement. In accordance with 37 C.F.R. §1.143, though, Applicant provisionally elects claims 1-29.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

Joseph/Hy Born

Reg. No. 28,283

CESARI AND MCKENNA, LLP

88 Black Falcon Avenue

Boston, MA 02210-2414

(617) 951-2500

12-17-06

PATENTS (105019-0007



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of: William H. Zebuhr	)	
Serial No.: 09/765,263	) Examiner: Virginia Manoharan	
Filed: January 18, 2001	) ) Art Unit: 1764	
For: Distiller Employing Cyclical Evaporation-Surface Wetting	Art Unit: 1764  DEC 19 2001	E
	Cesari and McKenna, LLP 88 Black Falcon Avenue Boston, MA 02210 December 10, 2001	

## **EXPRESS-MAIL DEPOSIT**

"Express Mail" Mailing-Label Number: EL705608199US

The following paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

X Provisional Election